

CHAPTER 137

GOVERNMENT - STATE

HOUSE BILL 22-1342

BY REPRESENTATIVE(S) Herod and Ransom, McCluskie, Esgar, Exum, Gonzales-Gutierrez, Lindsay, Mullica, Ricks, Snyder, Titone, Valdez A., Garnett;
also SENATOR(S) Hansen and Rankin, Zenzinger, Buckner, Gonzales, Lee, Moreno, Pettersen, Fenberg.

AN ACT

CONCERNING THE REQUIREMENT THAT INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF FEDERAL FUNDS THAT THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND BE CREDITED TO THE STATE EMERGENCY RESERVE CASH FUND.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-75-226, **amend** (3)(c) and (4)(c) as follows:

24-75-226. "American Rescue Plan Act of 2021" cash fund - creation - recipient funds - limitations - reporting - definitions - repeal. (3) (c) The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the STATE EMERGENCY RESERVE CASH fund CREATED IN SECTION 24-77-104 (6)(a).

(4)(c)(I) Notwithstanding any provision of law to the contrary, in order to ensure proper accounting for and compliance with the "American Rescue Plan Act of 2021", whenever money is transferred or appropriated to a recipient fund that also has money from other sources, the state controller or department controller shall create a companion cash fund that includes only the money the state received from the federal coronavirus state fiscal recovery fund under section 9901 of title IX, subtitle M of the "American Rescue Plan Act of 2021", but that is otherwise legally identical to the recipient fund, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(c)(II) OF THIS SECTION.

(II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN A RECIPIENT FUND THAT ORIGINATES FROM MONEY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO THE STATE EMERGENCY RESERVE CASH FUND CREATED IN SECTION 24-77-104 (6)(a).

SECTION 2. In Colorado Revised Statutes, 24-77-104, **amend** (6)(a) as follows:

24-77-104. State emergency reserve - cash fund - creation - declaration of emergency - reimbursement of emergency reserve expenditures. (6) (a) The state emergency reserve cash fund, referred to in this subsection (6) as the "fund", is hereby created in the state treasury. The fund consists of money transferred to the fund pursuant to subsection (6)(c) of this section, INTEREST AND INCOME CREDITED TO THE FUND PURSUANT TO SECTION 24-75-226 (4)(c)(II), and any other money that the general assembly may appropriate to the fund. The state treasurer shall credit all interest and income derived from the deposit and investment of money in the state emergency reserve cash fund to the fund.

SECTION 3. In Colorado Revised Statutes, 13-40-127, **amend** (9)(a) as follows:

13-40-127. Eviction legal assistance - fund - rules - report - definitions - repeal. (9) (a) In accordance with section 24-75-229 (4), three days after June 25, 2021, the state treasurer shall transfer one million five hundred thousand dollars from the affordable housing and home ownership cash fund created in section 24-75-229 (3)(a) to the fund for the purpose of providing legal representation to indigent tenants to resolve civil legal matters arising on and after March 1, 2020, for an eviction or impending eviction related to the public health emergency caused by the COVID-19 public health emergency. The money transferred to the fund pursuant to this subsection (9)(a) must be maintained in a separate account and must be used only for the purposes specified in this subsection (9)(a). NOTWITHSTANDING SUBSECTION (5)(b) OF THIS SECTION, THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE ACCOUNT TO THE STATE EMERGENCY FUND CREATED IN SECTION 24-77-104 (6)(a) IN ACCORDANCE WITH SECTION 24-75-226 (4)(c)(II). The general assembly shall appropriate the money transferred to the fund pursuant to this subsection (9)(a) to the administrator for use in accordance with this subsection (9)(a). The administrator shall use the money by December 31, 2024, for the purposes specified in this subsection (9)(a).

SECTION 4. In Colorado Revised Statutes, 23-3.3-1005, **add** (8) as follows:

23-3.3-1005. Colorado opportunity scholarship initiative fund - created - rules - repeal. (8) (a) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY APPROPRIATED TO THE FUND PURSUANT TO SUBSECTIONS (6)(a) AND (7)(a) OF THIS SECTION TO THE STATE EMERGENCY FUND CREATED IN SECTION 24-77-104 (6)(a) IN ACCORDANCE WITH SECTION 24-75-226 (4)(c)(II).

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2026.

SECTION 5. In Colorado Revised Statutes, 24-4.2-103, **amend** (2) as follows:

24-4.2-103. Victims and witnesses assistance and law enforcement fund - control of fund. (2) All ~~moneys~~ MONEY deposited in the fund shall be deposited in an interest-bearing account, which would be a legal investment for the state treasurer. All interest ~~earned by moneys~~ AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY in the fund shall be credited to the fund, EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-226 (4)(c)(II).

SECTION 6. In Colorado Revised Statutes, 24-32-721, **amend** (3)(a) as follows:

24-32-721. Colorado affordable housing construction grants and loans - housing development grant fund - creation - housing assistance for persons with behavioral, mental health, or substance use disorders - cash fund - appropriation - report to general assembly - rules - definitions - repeal. (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-226 (4)(c)(II), any money in the fund not expended or encumbered from any appropriation at the end of any fiscal year, including interest AND INCOME earned on the investment or deposit of money in the fund, remains in the fund and does not revert to the general fund or any other fund and remains available for expenditure by the division in subsequent fiscal years for the purposes specified in subsection (1.5) or (2) of this section without further appropriation.

SECTION 7. In Colorado Revised Statutes, 24-32-3207, **amend** (4) as follows:

24-32-3207. Colorado heritage communities fund - creation - source of funds. (4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-226 (4)(c)(II), all ~~moneys~~ MONEY, including interest AND INCOME earned on the investment or deposit of ~~moneys~~ MONEY in the fund, shall remain in the fund and shall not revert to the general fund of the state at the end of any fiscal year.

SECTION 8. In Colorado Revised Statutes, 24-37.5-119, **amend** (4)(b)(I) as follows:

24-37.5-119. Broadband service - report - broadband deployment board - broadband administrative fund - creation - rules - legislative declaration - definitions - repeal. (4) (b) (I) The broadband stimulus account, referred to in this subsection (4)(b) as the "account", is hereby created in the fund and consists of money the state received from the federal coronavirus state fiscal recovery fund created in the federal "American Rescue Plan Act of 2021", Pub.L. 117-2, and any money that the general assembly may appropriate. Within three days after July 7, 2021, the state treasurer shall transfer thirty-five million dollars from the economic recovery and relief cash fund created in section 24-75-228 (2)(a) to the account. The money in the account is subject to annual appropriation by the general assembly for use by the board for the purpose of reviewing and awarding grants under the broadband stimulus grant program created in subsection (9.5) of this section. All interest AND INCOME earned from THE DEPOSIT AND investment of money in the account is credited to the ~~account~~ STATE EMERGENCY RESERVE CASH FUND CREATED IN SECTION 24-77-104 (6)(a) IN ACCORDANCE WITH SECTION 24-75-226 (4)(c)(II). All money not expended from the account at the end of a fiscal year remains in the account and does not revert to the economic recovery and relief cash fund created in section 24-75-228 (2)(a) or any other fund.

SECTION 9. In Colorado Revised Statutes, 24-48.5-131, **amend** (9)(b) as follows:

24-48.5-131. Colorado startup loan program - fund - creation - policies - report - legislative declaration - definitions - repeal. (9) (b) The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund, EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-226 (4)(c)(II).

SECTION 10. In Colorado Revised Statutes, 24-75-227, **repeal** (2)(b)(II) as follows:

24-75-227. Revenue loss restoration cash fund - creation - allowable uses - definitions - repeal. (2) (b) (II) ~~The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.~~

SECTION 11. In Colorado Revised Statutes, 24-75-228, **repeal** (3)(b) as follows:

24-75-228. Economic recovery and relief cash fund - creation - allowable uses - interim task force - report - legislative declaration - definitions - repeal. (3) (b) ~~The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.~~

SECTION 12. In Colorado Revised Statutes, 24-75-229, **repeal** (3)(b)(II) as follows:

24-75-229. Affordable housing and home ownership cash fund - creation - allowable uses - task force - legislative declaration - definitions - repeal. (3) (b) (II) ~~The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.~~

SECTION 13. In Colorado Revised Statutes, 24-75-230, **repeal** (2)(b)(II) as follows:

24-75-230. Behavioral and mental health cash fund - creation - allowable uses - task force - definitions - repeal. (2) (b) (II) ~~The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.~~

SECTION 14. In Colorado Revised Statutes, 24-75-231, **repeal** (2)(b)(II) as follows:

24-75-231. Workers, employers, and workforce centers cash fund - creation - allowable uses - definitions - repeal. (2) (b) (II) ~~The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.~~

SECTION 15. In Colorado Revised Statutes, 39-22-802, **amend** (1) as follows:

39-22-802. Contributions credited to Colorado domestic abuse program

fund - creation - appropriation. (1) The department of revenue shall determine annually the total amount designated pursuant to section 39-22-801 and shall report such amount to the state treasurer. The state treasurer shall credit such amount to the Colorado domestic abuse program fund, a cash fund hereby established in the state treasury. The controller, upon presentation of vouchers properly drawn and signed by the executive director of the department of human services, pursuant to section 26-7.5-105, ~~C.R.S.~~, shall issue warrants drawn on the Colorado domestic abuse program fund. All ~~moneys~~ MONEY in the Colorado domestic abuse program fund at the end of a fiscal year, after appropriations made pursuant to subsection (3) of this section, shall remain in the fund to be used for the purposes set forth in article 7.5 of title 26 ~~C.R.S.~~, and shall not revert to the general fund. Any interest ~~earned on moneys~~ DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY in the fund shall remain in the fund to be used for the purposes of article 7.5 of title 26, ~~C.R.S.~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-226 (4)(c)(II).

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: April 25, 2022